

## **MINUTES**

### **MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN CAROLYN SQUIRES**, on January 21, 2005  
at 3:00 P.M., in Room 335 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Carolyn Squires, Chairman (D)  
Sen. Joe Balyeat (R)  
Sen. Vicki Cocchiarella (D)  
Sen. Jeff Essmann (R)  
Sen. Steven Gallus (D)  
Sen. Dave Lewis (R)  
Sen. Jim Shockley (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** Sen. Mike Cooney (D)  
Sen. Rick Laible (R)

**Members Absent:** Sen. Jon Ellingson (D)

**Staff Present:** Dave Bohyer, Legislative Branch  
Claudia Johnson, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: None.  
Executive Action: SB 206; SB 182; SB 109; SB 197  
SB 72;

{Tape: 1; Side: A}

**EXECUTIVE ACTION ON SB 206**

**Motion:** SEN. LEWIS moved that SB 206 DO PASS.

**Discussion:** SEN. LEWIS informed the Committee that he had an amendment, which he distributed. He stated that **Dave Bohyer, LSD**, hadn't reviewed the amendment at this time. **Mr. Bohyer** commented that he had contacted Tom Schneider to translate what the amendment did. He said that Mr. Schneider said if the bill is passed in its current language, there won't be any way to calculate what the maximum salary will create. He said this amendment will work, but he had just found out about the amendment about 2:00 p.m. today, and he hasn't had the opportunity to work on it at this time.

**EXHIBIT**(sts16a01)

**SEN. LEWIS** deferred to Todd Everts, Legislative Branch, about the amendment, and how it will affect this bill. **Mr. Everts** responded that he and Dave Bohyer had discussed the intent of the bill. **Mr. Everts** said by keeping the maximum salary cap as is, the entry salary as is, and the market salary where it is by adding the 25 cents to the maximum of the salary, will create a greater fiscal implication beyond what is already budgeted.

**SEN. TROPILA** asked if the 40 Warm Springs employees could receive more than the 25 cents, because their duties are more technical than the others. **SEN. SQUIRES** said that she agrees with **SEN. TROPILA'S** question.

**SEN. LEWIS** stated that the amendment doesn't do what he thought it would. He said the intent was to give Warm Springs employees the 25 cents so they wouldn't lose it. This bill will keep the 25 cents in the base. **Mr. Bohyer** responded that he now understands what **SEN. LEWIS** is trying to do, and he can draft an amendment that will do what **SEN. LEWIS** is trying to accomplish. **Mr. Bohyer** said the entry in the market will stay the same, it is only the maximum that will increase by 25 cents.

**SEN. TROPILA** asked if there is any way the Committee could put more money through for the Warm Springs employees. **Mr. Everts** stated that with the passage of HB 13 the wages will be included.

**SEN. LEWIS** withdrew his motion on SB 206.

EXECUTIVE ACTION ON SB 182

*{Tape: 1; Side: A; Approx. Time Counter: 4 - 5.5}*

Motion/Vote: SEN. COCCHIARELLA moved that SB 182 DO PASS. Motion carried unanimously by voice vote. SEN. LAIBLE and SEN. COONEY voted by proxy.

EXECUTIVE ACTION ON SB 109

*{Tape: 1; Side: A; Approx. Time Counter: 5.5 - 9.3}*

Motion: SEN. COCCHIARELLA moved that SB 109 DO PASS.

Discussion: SEN. LEWIS said the bill doesn't have much of an impact, and he will vote against it.

Substitute Motion: SEN. SHOCKLEY made a substitute motion that SB 109 BE TABLED. Roll call vote was taken. Motion to table failed 3 - 6 with SEN. ESSMANN, SEN. LEWIS, AND SEN. SHOCKLEY voting AYE. SEN. COONEY voted no by proxy. SEN. LEWIS had SEN. LAIBLE's proxy, but didn't know how SEN. LAIBLE wanted to vote on it.

Motion/Vote: SEN. SQUIRES asked if it would be the consensus of the Committee that the TABLE VOTE be REVERSED for SB 109. Motion carried unanimously by voice vote to reverse the motion.

Vote: Motion to reverse carried 6-3 by roll call vote with SEN. SHOCKLEY, SEN. LEWIS, and SEN. ESSMANN voting no. SEN. COONEY voted aye by proxy. SEN. LEWIS had SEN. LAIBLE's proxy, but didn't know how SEN. LAIBLE wanted to vote on it.

EXECUTIVE ACTION ON SB 197

*{Tape: 1; Side: A; Approx. Time Counter: 13.5 - 16}*

Motion: SEN. SHOCKLEY moved that SB 197 DO PASS.

Dave Bohyer, LSD, informed the Committee he had received an amendment, SB019701.ash earlier when the bill was heard in Committee. He explained what the amendment will do.

Motion: SEN. SHOCKLEY MOVED AMENDMENT SB019701.ash DO PASS.

**Discussion:** **SEN. BALLYEAT** said he had asked for additional information from the Department, but hasn't heard from them. He stated that the fiscal note shows a \$97,000 increase in expenditures when **SEN. GEBHARDT** had stated there wouldn't be an increase in expenditures. He informed the Committee that he promised **SEN. GEBHARDT** that he would pursue the increase before action was taken on the bill. **SEN. BALLYEAT** said that the information will be available on Monday.

**SEN. SHOCKLEY** withdrew his motion on SB 197 until Monday.

**EXECUTIVE ACTION ON SB 72**

***{Tape: 1; Side: A; Approx. Time Counter: 16 - 25.9}***

**SEN. LEWIS** wanted to vote on the amendments before the bill was moved. He said he talked with **SEN. MANGAN** who would like the Committee to adopt the amendments that **Mr. Bohyer** has, then request a revised fiscal note before taking action on this bill. **CHAIRWOMAN SQUIRES** stated that she doesn't have a problem with the request, and asked the Committee their consensus on the amendment. The Committee members all agreed. She stated that **SEN. SHOCKLEY** will mediate for Deer Lodge and Great Falls. **SEN. COCCHIARELLA** said that the procedural is to make a motion to adopt the bill, then adopt the amendments. A substitute motion can be made at this time to table the bill, which will keep it in Committee.

**SEN. GALLUS** asked if the Committee adopts the amendments, and a do pass on the bill, and the bill goes to the floor of the Senate, can a new fiscal note be requested and distributed on the Senate floor. **SEN. SHOCKLEY** replied that the bill can be voted on in Committee, and then request that the bill be held on the Senate floor. **SEN. LEWIS** said that the bill can go through first reading on the floor, then President Tester can hold the bill for a revised fiscal note before the bill goes before the second reading. **SEN. SHOCKLEY** said that if there is a problem on the floor with the bill, it can be reported back to Committee. **Mr. Bohyer** informed the Committee that there is not a second reading of a bill until it is reported out.

**Motion:** **SEN. LEWIS** moved that SB 72 DO PASS.

**Motion:** **SEN. LEWIS** moved amendment SB07202.adb DO PASS.

**Discussion:** **SEN. LEWIS** explained the amendment. He informed the Committee that the bill is a take off from the last legislative

session. The bill encourages early retirements, and takes money out of the agencies' budgets. He said the bill allows those who are eligible for retirement, and replaces them with a person at an entry level salary at a later date. He said that **SEN. MANGAN** informed him this isn't a budget balancer like it was in the last session. The amendment takes out Section 3, and strikes language on line 21 about filling position with entry level salary people. **SEN. LEWIS** said this bill allows a person to retire, and the agency will pay one year of health insurance for each five years of service that person may have until they reach 65 years of age. **Mr. Bohyer** said the amendment allows agencies to take contingency funds, which is in HB 13. He said the section is not fully stricken, but amended to reflect HB 13 if this bill doesn't pass out of Committee. **SEN. LEWIS** said the amendment will save an agency, who has a very high turnover, to use some of that contingency money to help pay for the health insurance.

**SEN. BALYEAT** commented that this bill is passed off as if it is saving money. He said this isn't necessarily true if benefits are continued to be paid out to persons who would be retired anyway.

**SEN. LEWIS** said that the language in the amendment is directed toward the Montana Education Association (MEA), Montana Teacher's Association (MTA), Montana Public Employees Association, etc. He said the indicators in history are that the turn overs will be enough to generate the savings to cover the cost. He said the agencies are concerned the language didn't cover this, and the reason for the amendment. **SEN. LEWIS** informed the Committee that HB 13 will appropriate \$13 million for state agencies.

**Vote:** Motion on the amendment carried unanimously by voice vote.

**Motion/Vote:** **SEN. SHOCKLEY** moved that SB 72 DO PASS AS AMENDED.

**Motion carried 10-1 by voice vote with SEN. BALYEAT voting no.**

**SEN. LAIBLE and SEN. COONEY voted aye by proxy.**

The Committee discussed SB 73, the Law Enforcement Memorial to be moved from Deer Lodge to Great Falls. **SEN. LEWIS** discussed the concerns of Deer Lodge, and there not being any accounting of the artifacts. **SEN. GALLUS** asked if the Committee could strike "Deer Lodge" and insert "Cascade County". **SEN. SHOCKLEY** asked that no motion be taken on SB 73 until he is able to meet with both parties, and draft some amendments.

**CHAIRWOMAN SQUIRES** discussed the confirmation interviews with the Committee members. She informed the Committee members that they will be able to ask the interviewees three questions each.

**ADJOURNMENT**

Adjournment: 4:30 P.M.

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SEN. CAROLYN SQUIRES, Chairman

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CLAUDIA JOHNSON, Secretary

CS/cj

Additional Exhibits:

**EXHIBIT ([sts16aad0.PDF](#))**